

No. 2857-3Lab-68/8461.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the President of India is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workmen and management of M/s Ego Metal Works, Gurgaon.

BEFORE SHRI P. N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 110 of 1967

between

SHRI MANOHAR LAL, WORKMAN AND THE MANAGEMENT OF M/S EGO METAL WORKS,
GURGAON

Present :

Shri C. B. Kaushik, for the workman.

Shri S. L. Gupta, for the management.

AWARD

Shri Manohar Lal was appointed as a Sweeper in M/s Ego Metal Works, Private Limited, Gurgaon on 29th December, 1966. His services were terminated and this gave rise to an Industrial Dispute. The President of India in exercise of the powers conferred by clause (c) of sub-section (1) of Section 10 read with the proviso to that sub-section of the Industrial Disputes Act, 1947, referred the dispute to this court for adjudication,—*vide* Gazette Notification No. 562-SFIII-Lab-67, dated 29th November, 1967.

On receipt of the reference, usual notices were issued to the parties in response to which the workman filed his statement of claim and the management filed their written statement. On behalf of the management, it is pleaded that the claimant Shri Manohar Lal was appointed on probation for a period of six months which was extended by three months,—*vide* letter, dated 29th June, 1967. It is alleged that the claimant never became permanent and his services were terminated because his behaviour was not good and he was not attending to his duties regularly. The pleadings of the parties gave rise to the following issues :

- (1) Whether the period of probation of the claimant was extended by 3 months in accordance with the provisions of the certified standing orders and, therefore, the claimant had not become permanent ?
- (2) Whether the termination of the services of the claimant was justified and in order ? If not, to what relief is he entitled ?

Issue No. 1.—Shri Ravinder Chawla, Administrative Manager of the respondent concern has appeared as M.W. 1. He has stated that the claimant Shri Manohar Lal was appointed as a Sweeper on probation for a period of six months,—*vide* letter of appointment, dated 29th December, 1966, Ex. M.1 and his period of probation was extended by three months. The claimant also admits the fact, that his period of probation could be extended by three months under the standing orders copy of which is Ex. M.6. So I find this issue in favour of the management.

Issue No. 2.—Shri Ravinder Chawla, M.W. 1 has stated that the work of the claimant was not satisfactory and he was given a warning Ex. M.2 on 11th June, 1967, but he did not improve his work in spite of the warnings. The witness further says that although the claimant never worked directly under him but he received complaints that the behaviour of the claimant was also rude and so his services were terminated on 7th September, 1967,—*vide* letter Ex. M.4. The witness says that a letter copy Ex. M. 5 was written to the claimant intimating to him that his period of probation ended on 28th September, 1967 and that he should collect his dues in full and final settlement. Shri D. M. Makhija, Assistant Production Manager has appeared as M.W. 2. He corroborates the testimony of Shri Chawla and says that the work of the claimant was not satisfactory and that his behaviour was rude.

In rebuttal the claimant Shri Manohar Lal has appeared as his own witness. He admits that he was given a warning but says that he gave a reply copy of which is Ex. R. 1 and that his services were terminated without giving him any prior notice or charge-sheet. The claimant says that his work was satisfactory. I have carefully considered the evidence produced by the parties and have gone through the reply Ex. R. 1 which the claimant gave in reply to the warning given to him. The claimant has not made any allegation against the Administrative Manager and if the lower staff was unnecessarily harrasing the claimant as alleged by him in his reply Ex. R.1, the claimant could have brought this fact to the notice of the Administrative Manager and claim justice from him. The claimant does not say that he even tried to approach the Administrative Manager in order to bring the true facts to his knowledge. The claimant was still not confirmed and the Administrative Manager was satisfied on the basis of the material before him that the work of the claimant was not satisfactory and that his behaviour was rude. There is no reason to doubt the bona fides of the decision of the Administrative Manager. The claimant has been asked to collect his dues upto 28th September, 1967, i.e., when the period of his extended probation expired. Under these circumstances, it must be held that the termination of the services of the claimant was justified and in order and he is not entitled to any relief.

No orders as to costs.

P. N. THUKRAL,

Presiding Officer,
Labour Court, Rohtak.

Dated 7th March, 1968.

No. 505, dated the 25th March, 1968.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under Section 15 of the Industrial Disputes Act, 1947.

P. N. THUKRAL,

Presiding Officer,
Labour Court, Rohtak.

Dated, the 7th March, 1968.

29th
The—March, 1968
30th

No. 2855-3Lab-68/8465-A.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the President of India is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workmen and management of M/s Vikas Manufacturing Co., Bahadurgarh.

BEFORE SHRI P. N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 107 of 1967

between

SHRI PRITHIPAL SINGH, WORKMAN AND THE MANAGEMENT OF M/S VIKAS MANUFACTURING CO., BAHADURGARH

Present :

Shri Roshan Lal Sharma, for the workman.

Nemo, for the management.

AWARD

Shri Prithipal Singh was in the service of M/s Vikas Manufacturing Co., Bahadurgarh. His services were terminated without giving him any prior notice or charge-sheet. This gave rise to an industrial dispute and the President of India in exercise of the powers conferred by clause (c) of sub-section (1) of Section 10 read with proviso to that sub-section of the Industrial Disputes Act, 1947, referred the following dispute to this Court for adjudication,—*vide* Gazette Notification No. 11554-SFIII-Lab-67, dated 29th November, 1967 :—

Whether the termination of services of Shri Prithipal Singh was justified and in order ? If not, to what relief is he entitled ?

On receipt of the reference, usual notices were issued to the parties in response to which the workman filed his statement of claims. Shri Subhash Chander Jain, Manager of the respondent concern appeared and prayed for time to file the written statement. This request was accepted and the case was adjourned to 3rd February, 1968. On the date fixed, no authorised representative of the management appeared. One Shri Om Parkash stated that Shri Subhash Chander Jain, Manager was ill and therefore the case may be adjourned. In the interest of justice, the case was again adjourned to 7th February, 1968. On the date fixed nobody appeared on behalf of the management and so the case was adjourned to 23rd February, 1968, to enable the workman to produce his evidence.

The workman Shri Prithipal Singh has appeared as his own witness and has stated that he joined the respondent concern in the year 1963 and his services were terminated on 20th July, 1967,—*vide* letter Ex. W.1 without giving him any prior notice or charge-sheet. In the letter Ex. W.1, it is mentioned that the services of the workman were being terminated on account of his misbehaviour but it is not even mentioned what that misbehaviour was ? The workman says that his pay was in arrears for the last 3 or 4 months and all the workmen gathered together and demanded pay and for this reason his services were terminated. Under these circumstances, it must be held that the order terminating his services was not justified and in order. He is, therefore, entitled to be reinstated with continuity of services and full back wages. I give my award accordingly.

P. N. THUKRAL.

Presiding Officer,
Labour Court, Rohtak.

Dated, the 19th March, 1968.

No. 502, dated the 25th March, 1968.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under Section 15 of the Industrial Disputes Act, 1947.

P. N. THUKRAL,

Presiding Officer,
Labour Court, Rohtak.

Dated, the 19th March, 1968.